

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	}	
	}	FILED UNDER SEAL
Plaintiff,	}	
	}	
v.	}	Case No. 15-CR-10173-EFM
	}	
JACAM MANUFACTURING, LLC,	}	
	}	
Defendant.	}	
	}	

INFORMATION

The United States Attorney Charges:

1. JACAM Manufacturing, LLC. (JACAM) is a Kansas corporation located and doing business in Rice County, Kansas. JACAM manufactures and sells retail and wholesale specialty chemicals for the oil and gas production and industrial markets.

Safe Drinking Water Act

2. The Safe Drinking Water Act (SDWA), established a federally mandated regulatory scheme for the protection of drinking water. The Act identified underground injection wells as a potential pollution source to our nation's underground aquifers. The Environmental Protection Agency (EPA) has been charged with ensuring that underground sources of drinking water will not be endangered by any underground injections.

3. The SDWA required the EPA to promulgate regulations establishing minimum requirements for the approval of effective Underground Injection Control (UIC) programs to be administered by the States. The State of Kansas has an approved UIC program for Class II wells, i.e. salt water disposal wells, which became effective February 8, 1984.

4. An “applicable underground injection control program” includes any state-adopted UIC program which has been approved by EPA.

5. Any underground injection is prohibited, unless the injection is into a well authorized to receive the injected fluids

6. The Matlock Lease Well #2 located in Rice County, Kansas, was only authorized to receive the following fluids:

- Saltwater (a/k/a brine) only produced from specified leases.

Resource Conservation and Recovery Act

7. The Resource Conservation and Recovery Act (RCRA) is the primary federal law regulating the generation, treatment, storage, and disposal of hazardous waste. Objectives of RCRA include, among others things, protection of human health and the environment through stringent regulating guidelines. The Act created a “cradle to grave” regulatory scheme to govern and track hazardous wastes from their point of generation to their final disposition.

8. RCRA provides that States may be authorized to operate a hazardous waste management program in lieu of the RCRA program so long as the State program is at least as stringent as the federal program. On October 17, 1985, the EPA authorized the State of Kansas, through the Kansas Department of Health and Environment (KDHE), to administer the RCRA program in the State of Kansas.

9. The term “hazardous waste” means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical or chemical characteristics may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise improperly managed.

10. The term “solid waste” is defined by the applicable statutes and regulations to include any discarded solid, liquid, semi-solid, or “contained gaseous material” resulting from industrial, commercial, mining, agricultural, and other activities.

11. A discarded material is any material that is abandoned by being accumulated, stored, or treated in lieu of being abandoned by being disposed of, burned, or incinerated.

12. The EPA has specifically listed some hazardous wastes. In addition to these “listed wastes,” hazardous wastes may be identified by specific characteristics. “Characteristic wastes” are solid wastes that exhibit one or more of the following characteristics: ignitability, corrosively, reactivity, and toxicity.

13. The disposal of hazardous waste is prohibited except in accordance with a RCRA permit or interim status.

14. “Disposal” is defined as “the discharge, deposit, injection, dumping, spilling, leaking, or placing any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.”

15. JACAM did not have a RCRA permit or interim status.

COUNT ONE
(Safe Drinking Water Act)

16. On or about May 29, 2014, in Rice County, District of Kansas, Defendant JACAM MANUFACTURING, LLC., did willfully violate an applicable underground injection control program, to wit: JACAM injected fluids into a Class II disposal well (a salt water disposal well), specifically Matlock Lease Well #2, without a permit or other lawful authorization. The fluids injected into Matlock Lease Well #2, contained the following volatile organic compounds:

Acetone, Benzene, 2-Butanone (MEK), Ethtylbenzene, Hexane, Isobutylbenzene, Isoprophylbenzene, 4-Mehtyl-2-pentanone(MIBK), Naphthalene, n-Propyblenzone, Toluene, 1,2,4 Triethylbenzene, 1,3,5 Triethylbenzene, m-&/or p-Xylene, and o-Xylene.

The above acts were in violation of 42 U.S.C. § 300h-2(b)(2) and 18 U.S.C. § 2.

COUNT TWO
(Resource Conservation and Recovery Act)

17. Beginning at a time unknown to the United States Attorney and continuing until on or about May 29, 2014, in Rice County, District of Kansas, Defendant JACAM MANUFACTURING, LLC., did knowingly dispose of hazardous wastes into Matlock Lease Well #2, a salt water disposal well, without a permit or interim status, to wit; JACAM disposed of hazardous wastes which included the following volatile organic compounds:

Acetone, Benzene, 2-Butanone (MEK), Ethtylbenzene, Hexane, Isobutylbenzene, Isoprophylbenzene, 4-Mehtyl-2-pentanone(MIBK), Naphthalene, n-Propyblenzone, Toluene, 1,2,4 Triethylbenzene, 1,3,5 Triethylbenzene, m-&/or p-Xylene, and o-Xylene,

Into the Matlock Lease Well #2.

The above acts were in violation of 42 U.S.C. § 6928(d)(2)(A) and 18 U.S.C. § 2.

BARRY GRISSOM
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